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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/583,654

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Fabrice Madigou

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EXAMINER

DEODHAR, OMKAR A

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/583,654	Applicant(s) MADIGOU, FABRICE	
	Examiner OMKAR A. DEODHAR	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Non-Final Rejection

Response to Arguments

Applicant's arguments regarding Okamoto have been considered & are persuasive. However, after further search, prior art to Raviv (5,683,297) was discovered. Raviv teaches a concave display. (See Raviv Col. 3. Lines 42-45). Additionally, Examiner determined that the claims are not in compliance with section 112. Since this action presents new grounds of rejection, it is made non-final.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 & 8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. These claims recite "a concave surface facing the user, whereby the *confidentiality of a card hand for each user is ensured.*" (Emphasis Added.) Examiner does not dispute that the concave surface is enabled & may increase the confidentiality of displayed data for users. However, the Specification is not enabling as to how confidentiality is ensured. Nor, could it be – there would be no way to ensure complete confidentiality. Additionally, it may be as well to point out that the limitation of ensuring

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confidentiality is viewed as intended usage failing to patentably distinguish over the prior art. Correction and/or clarification is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 & 8 and their dependents are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As pointed out above, the Specification is not enabling for "whereby the confidentiality of a card hand for each user is ensured." This limitation is also indefinite because it is unclear how Applicant can ensure confidentiality of displayed data. The limitation has been interpreted as requiring "whereby the confidentiality of a card hand for each user is increased."

Correction and/or clarification is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 & 3-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tulley (US 6,719,631) in view of Norman (US 5,702,305) in yet further view of Raviv (US 5,683,297).

Claim 1:

Tulley teaches a personal interface portable device for electronic card games, comprising a thin display screen (Figure 12), a tactile detection faceplate superimposed on the thin display screen, (Column 7, Lines 38-42 – a touch screen), control circuits for acting on a game display using the thin display screen in response to the actions detected by the detection faceplate (Col. 7. Lines 25-67 disclose features of the player device including a processor & circuitry).

Tulley does not teach:

an interface being capably in cooperation with a central system to display a set of cards on said screen, to select a card among said displayed cards, and to extract a selected card from the set, to cause said selected card to be displayed on said central system display screen **OR** to transfer said selected card to a set of cards displayed in an identical device of another user.

In a related invention, Norman teaches an electronic game system with a centrally located game board (a central system) containing images applicable to games being played. Images may change & be depicted on the central game board. See Norman, Figure 4 & Col. 6. Lines 27-42.

Specifically, in Col. 6. Lines 27-42, Norman discusses the embodiment shown in Figure 4. Gameboard 42 contains images 44 that "can be individual embedded direct view image displays, capable of change in color & image depicted" & further "a centrally located directed view image display area 46 for the display of common view information, viewable by all players of the game." Next, see Col. 3. Lines 16-20 where Norman discloses that the common view area reflects changes as the player moves (progresses) in a game. Additionally, see Figure 1 where Norman explicitly shows each player's device in communication with the central system. Finally, see Figure 11 where Norman shows a card game.

Norman thus teaches an embodiment where a player's actions are reflected on the system's central display. Selecting a card from a set of cards for display on a central system therefore falls within the scope of Norman's disclosure.

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Tulley to have a central system with a display region as taught by Norman for the purpose of increasing player interaction. (See Norman Col. 2. Lines 4-9; providing motivation for this modification).

Since the portable devices taught by both Tulley & Norman are directed to the similar purpose of allowing players to interact & engage in games using portable, hand-held devices, such a modification is viewed as a substitution of known elements with predictable results - games of chance requiring player collaboration benefit with a central display.

While Tulley in view of Norman teaches the invention substantially as claimed & it could be argued that Tulley's screen shown in Figure 12 is curved at the edges, the combination does not explicitly teach:

Wherein the display screen and the faceplate define a concave surface facing the user, whereby the confidentiality of a displayed card hand is ensured.

As explained in the section 112 rejection above, this claim limitation is not enabled & regarding "ensuring confidentiality", this is viewed as intended usage that fails to patentably distinguish over the prior art. As such, Examiner interprets the claim limitation as requiring concavity of the display.

In a related gaming system, Raviv teaches a concave screen for magnifying images. (See Raviv Col. 3. Lines 42-45). It would have been obvious to a person of ordinary skill in the art at time of Applicant's invention to provide a screen with a concave surface in the system taught by Tulley in view of Norman for the purpose of magnifying images, resulting in improved viewing capability. See the cited portion of Raviv. This is also viewed as a substitution of known elements yielding predictable results.

Claims 3-5, 9-11:

Tulley's electronic device is hand-held. This satisfies a handle housing circuitry. The display is mounted on a handle. (See Tulley, Figure 12). Buttons (242) are similarly mounted to a handle. Clearly, the buttons are made in a tactile manner such that users can press them.

Claims 6, 7, 12, 13:

Tulley's screen/faceplate is generally rectangular. See Tulley, Fig. 12. Tulley does not teach a generally circular contour shape.

Applicant's Specification discloses this feature as "optional". See Specification Page 2, Lines 10-15. Therefore, since Applicant admits this feature is optional, Examiner contends that it would have been a matter of obvious design choice to a person of ordinary skill in the art at the time of Applicant's invention to provide a generally circular contoured shape for Tulley's display/faceplate. A person of ordinary skill in the art would realize that different users' preferences differ & a generally circular contour may be more pleasing than a rectangular one. Thus, this yields predictable results.

Claim 8:

This claim recites an electronic game system with features recited in claim 1. Tulley & Norman both teach such a system. See the rejection of claim 1.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMKAR A. DEODHAR whose telephone number is (571)272-1647. The examiner can normally be reached on M-F: 8AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Omkar Deodhar/

/Peter D. Vo/

Supervisory Patent Examiner, Art Unit 3714